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SUBJECT: JORDAN DECLARES COMMITMENT TO FIGHTING TIP DURING
G/TIP LAGON VISIT

REF: A. AMMAN 2600
[B.](#) AMMAN 2206
[C.](#) 07 AMMAN 3579
[D.](#) 07 AMMAN 2392
[E.](#) 07 AMMAN 434
[F.](#) 06 AMMAN 7750
[G.](#) 06 AMMAN 6886
[H.](#) 06 AMMAN 5595 AND PREVIOUS

Classified By: Ambassador R. Stephen Beecroft for reasons 1.4(b) and (d)
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[¶](#)1. (SBU) Summary: Ambassador-at-Large Mark Lagon, Director of the State Department's Office to Monitor and Combat Trafficking in Persons (G/TIP) discussed steps taken by the GOJ to eliminate trafficking conditions in Qualifying Industrial Zones (QIZs) and solutions to deal with trafficking-related offenses against domestic workers during his September 10-11 visit. The Ministers of Interior, Justice, and Labor expressed their commitment to fight trafficking, pointing to their plans to pass an anti-TIP Law, create a shelter for victims, and establish a joint labor inspector and police unit. Nongovernmental organizations and source country embassies in Jordan generally agree that the GOJ has taken steps to improve general labor conditions in QIZs but has done relatively little to protect domestic workers or to prosecute and punish traffickers as a whole. The GOJ requested G/TIP assistance to train prosecutors and judges on how to handle TIP-related cases and apply the law. End summary.

[¶](#)2. (SBU) During the two-day visit, Ambassador Lagon met with: Minister of Labor Bassem Salem, Minister of Justice Ayman Odeh, Minister of Interior Eid Fayed, UNIFEM Program Manager Afaf Jabiri, IOM Chief of Mission for Jordan and Iraq Rafiz Tschanen, Dr. Ali Al-Dabbas of the National Center for Human Rights (NCHR), Kesava Murali of Jones NY, and Phil Fishman of the ILO Better Work Program. Ambassador Lagon also visited Maliban and Mediterranean Resources Apparel Industry factories in the Ad-Dulayl QIZ and held a roundtable with the Embassies of the Philippines, Indonesia, Sri Lanka, and Bangladesh.

Ministerial-Level Committee Formed; Anti-Tip Law High Priority

[¶](#)2. (SBU) Minister of Interior Fayed told Ambassadors Lagon and Beecroft September 11 that the GOJ's anti-TIP inter-ministerial committee has been elevated to the ministerial level, and three sub-committees have been charged with moving the anti-TIP agenda forward quickly. One will review the draft anti-TIP law, one will study trafficking problems in Jordan and recommend corresponding solutions, and one will work on establishing a shelter.

¶3. (SBU) Fayez and Minister of Justice Odeh both said that the passage of a comprehensive anti-TIP Law was the GOJ's top short-term priority and that a law will be submitted to parliament in the fall session. According to Odeh, a strong anti-TIP law would be a major step forward in the ability of the government to prosecute trafficking cases. Expressing his hope that Jordan would overcome its poor record of prosecuting traffickers, Lagon stressed that, despite the lack of a current anti-TIP law, traffickers should be prosecuted and punished using a range of other laws, such as the Passport Law or Anti-Slavery Law. Odeh added that prosecutors have difficulty appropriately classifying trafficking-related crimes and dealing with gray areas in the law. Both he and Fayez noted that the GOJ has the power to shut down factories without court action and hand out large fines to offenders, which they feel are strict punishments on businesses. Lagon stressed, alternatively, that relative to fines and closures, criminal prosecution with strong, deterrent sentences are far and away most important. Odeh indicated that the anti-TIP Law will contain a broad definition of trafficking and will include such severe monetary fines and prison terms. Lagon and Odeh both agreed that training of prosecutors and judges after the anti-TIP law is enacted would benefit the GOJ's prosecution record with regard to TIP.

Ministry of Labor Works to Improve Condition in QIZs

¶4. (SBU) Minister of Labor Salem highlighted Jordan's effort to improve labor conditions in the QIZs after the May 2006 National Labor Committee report (reflets C-K). Salem noted that inspection capacity has greatly increased through such

measures as hiring 30 new inspectors, instituting new training programs for inspectors to include forced labor, increasing the number of inspections, and working with the International Labor Organization (ILO), unions, and NGOs to improve overall conditions. Ambassador Lagon emphasized the need for improved criminal law enforcement in the QIZs - potentially aided by a practical partnership between labor inspectors and police - as well as proactive victim identification. Salem pointed to planned creation of a joint police and labor inspection unit towards strengthening their practical partnership.

¶5. (SBU) Phil Fishman of the USAID-funded ILO Better Work Program explained that the project will train GOJ inspectors on various issues, including forced labor. He noted that, though he sees potential for corruption among labor inspectors, as anywhere in the world, the project would professionalize inspectors to hopefully avoid complicity. Kesava Murali of Jones NY, the largest U.S. apparel buyer in Jordan and which has its own compliance department that conducts inspections of factories in Jordan, gave the general opinion that while there are still labor rights problems in the QIZs, the Ministry of Labor is active in trying to resolve problems. He urged Ambassador Lagon to pressure the GOJ to pay more attention to the situation of domestic workers who encounter forced labor situations often. Though he was not directly involved in the recent workers' strike at Al-Dulayl QIZ, he commented that he believed the latest NLC report on forced labor there to be inaccurate.

¶6. (SBU) A visit to two factories in Ad-Dulayl QIZ -- the Sri Lankan Eam Maliban and Emirati Mediterranean Resources Apparel Industry (MRAI) -- showed different management approaches. Maliban has eliminated deductions for food and formed worker committees which regularly meet with management. Factory management also recruits foreign workers directly from Sri Lanka (where their headquarters are located) and works with only a handful of pre-approved recruitment agencies in India and Bangladesh, in order to reduce the chances of workers paying any illegal fees to middlemen. NOTE: These practices appear to be models for replication, serving both workers' protection and the interests of the business. END NOTE. Workers in MRAI, on the other hand, recently went on strike asking for their food

deduction to be eliminated and, with the active engagement of MOL, NCHR, the union, and source country embassies, reached a compromise of a 10JD (\$14) per month deduction from their salaries (Ref A). Ambassador Lagon also met with representatives of the pro-strike workers and two anti-strike workers. Several among the pro-strike group commented that their lingering concern revolved around non-payment of full overtime wages beyond two hours of overtime. At least two pro-strike workers from Bangladesh confirmed that they had paid over \$2,000 in recruitment fees to come to Jordan and also expressed dissatisfaction with the quality of assistance from their embassies, noting that they felt pressured by labor attachés to accept less-than-favorable conditions. On the other hand, NCHR representative Atef Al-Majali commented that the workers changed their demands several times before agreeing to the compromise. While questioning the legality of the strike, given that workers had collectively agreed to the deductions in March 2007, the MOL plans to further investigate some of the workers' complaints, such as not being paid for all of their overtime. The factory manager expressed interest in ensuring a content workforce, and asked for advice on how to deal with recruitment agencies in source countries.

Situation of Domestic Workers Top Priority

¶17. (SBU) A common theme heard from all interlocutors was that trafficking conditions among domestic workers is a significant problem, but that relatively few steps have been taken to address it. At a roundtable with source country embassies (the Philippines, Indonesia, Sri Lanka, and Bangladesh), both the Filipino and Indonesian participants stated that the number of runaway domestic workers they each sheltered this year was well over two hundred. Participants further estimated that the vast majority of the runaways had their passports confiscated by their employers. In addition, the Indonesian Embassy reported that four to five of their nationals who are domestic workers were killed this year, but that the GOJ has taken no action. In a separate meeting, Rafiq Tschanneen, IOM Chief of Mission for Jordan and Iraq, said that three Indonesians were killed in recent months. Source country embassy representatives and UNIFEM agreed that

false charges against domestic workers for theft by their employers were common, and that while the GOJ actively investigated those allegations, they failed to show the same concern for complaints filed by the domestic workers against their employers. UNIFEM also noted that migrant domestic workers who complain to police officers without being in possession of their passports are arrested and accumulate overstay fines, thereby discouraging many abused domestic workers from approaching law enforcement officials at all.

¶18. (C) Ambassador Lagon urged Ministers Fayez and Odeh to institute proactive measures to identify trafficked domestic workers, and while Interior Minister Fayez agreed on the extent of the problem, he argued that it was a difficult problem to solve, as domestic workers are behind closed doors and can be moved quickly from household to household. Afaf Jabiri, Program Manager at UNIFEM, discussed the difficulty of protecting domestic workers and prosecuting "abusive" employers due to the inability of inspectors to conduct house visits in Jordan's traditional society. Jabiri said that while the government was supportive of UNIFEM's efforts, which includes the enforcement of a standard contract for domestic workers and awareness campaigns, she questioned whether domestic workers will ever really be a priority as they are viewed as "third tier citizens" in Jordan - discounted as a woman, foreigner, and unskilled laborer. Tschanneen of IOM also questioned the government's political will on this issue, saying that IOM had to stop a survey of domestic workers after police started to ask questions, including loaded questions about the diplomatic immunity of IOM staff.

¶19. (SBU) All three ministers pointed to a July Labor Law

amendment that now places domestic and agriculture laborers under the law as a step forward in protecting domestic workers (ref B). Ambassador Lagon commended this amendment, but drew attention to the need to enforce it as well as criminal provisions to prosecute and punish those who force domestic workers into labor. Although it was pointed out that the bylaws outlining the specific regulations are still being drafted, Odeh mentioned the amendment should improve related domestic worker conditions by legislating such factors as minimum wage, hours, and leave. Odeh further pointed out that now Jordan is unique in the region for its "one" Labor Law for all people regardless of nationality or type of work. Odeh also pointed out that the law was also amended to include a monetary fine, ranging from \$700 to \$1,400, for employers withholding travel documents.

¶10. (SBU) Recruitment agency practices in both Jordan and source countries, including charging illegal fees, not explaining worker rights or contract details, and hiring of non-qualified workers, were widely criticized during the visit. Salem stated that the MOL closed 30 to 35 recruitment agencies for violations, but added that "it is hard to keep them from working." To improve recruitment practices and cut down on trafficking opportunities, Salem outlined the Ministry's plan to form a recruitment committee, comprised of union, government, and NGO representatives, which will replace Jordanian recruitment agencies. NOTE: Fathalla Omrani, President of the Textile Union, and Al-Majali, told Poloff on September 22 that the GOJ is continuing to pursue this idea, but both believe that neither the union, the NGO community, nor the government are in any position to take on this task responsibly. END NOTE.

Minimal Prosecutions; New Investigation Unit Forming

¶11. (SBU) UNIFEM, IOM, and foreign embassies identified numerous reasons for the dearth of trafficking-related prosecutions, including lengthy and costly judicial proceedings, fear by workers of being punished or forced to pay fines, and lack of governmental capacity and procedures. Fayed forcefully expressed his wish to see offenders punished, but gave a different reason for the lack of prosecutions: domestic workers first have to file a complaint with either the MOI Family Protection Unit or the MOL before action is taken, but are not doing so. NOTE: While Fayed argued that it is difficult for the GOJ to identify trafficked workers, it is well known that embassies from source countries routinely shelter runaways from domestic employment and file criminal charges on their behalf when necessary. END NOTE.

¶12. (SBU) To date, according to USAID-funded MOL Advisor Lejo Sibbel, the primary vehicle to get cases to court is an investigation conducted by the working-level

inter-ministerial committee, led by MOL. Sibbel stated that the committee has investigated 18 complaints, of which eight cases were resolved non-judicially and ten cases were forwarded for prosecution. Of the ten forwarded cases, Sibbel stated that they involve one worker in the Aqaba Free Zone, four domestic workers, and five QIZ workers. The MOJ also has a Human Rights Unit tasked with following all human rights cases, although no specific examples of trafficking cases handled by the Unit were listed by Odeh.

¶13. (SBU) MOL Salem said that, to increase the number of cases going to court, the Ministry plans to create an investigation unit, comprising labor inspectors and the police. Salem believes that the cabinet will shortly approve the unit, which will be responsible for both migrant QIZ workers and domestic workers. Ambassador Lagon expressed his hope that this unit would be formed expeditiously to develop the GOJ's ability to proactively identify trafficking victims and improve its record of prosecuting and punishing traffickers.

¶14. (C) UNIFEM and IOM highlighted the fact that victim services are currently minimal with source country embassies providing the bulk of protection services to victims, supported in some cases by local and international nongovernmental organizations. NOTE: While not discussed in the roundtable, shelters located in source country embassies are minimal and do not provide comprehensive services to TIP victims. END NOTE. Fayezi discussed plans to establish a shelter, but added that no decision has been made if the government will operate the shelter directly or fund an NGO to do so. Fayezi was also concerned about using the name "shelter" because he did not want to "create more problems," reflecting a concern that employers would drop off domestic workers when they are no longer wanted, especially to avoid paying past due salaries or airline tickets. In addition to the planned shelter, Salem stated that the government operates a victim assistance hotline and Fayezi pointed out that the MOI Family Protection Unit has started to assist foreign workers.

Jordan Asks for Training for Prosecutors and Judges
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¶15. (SBU) Odeh strongly requested G/TIP assistance to train prosecutors and judges on how to handle TIP-related cases and how to apply the law. Odeh even offered to arrange a training institute in which such training could be delivered. Odeh admitted that there are a lot of "gray areas" in the law and that court officials need to better understand "what is a crime and what is not." He also stated training is needed for prosecutors on how to appropriately classify and prosecute the specific crime.

¶16. (U) This cable was cleared by Ambassador Lagon.

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Beecroft